



May 21, 2009

Louis W. Bullock
BULLOCK BULLOCK & BLAKEMORE
110 West 7th Street, Suite 707
Tulsa, OK 74119-1031

Dear Mr. Bullock:

This letter will serve to formally acknowledge certain agreements which the parties to the above-referenced action have reached with respect to procedural matters which may arise prior to and during trial. If I have accurately described the parties' agreements on these matters, please acknowledge that agreement by signing where noted below and returning a copy of this letter to me at your earliest convenience.

Form of Exhibit Lists

The parties will use Form CV-16 for the Exhibit List to be exchanged on July 1, 2009. The parties will use Form CV-16a for the Exhibit List to be provided to the Clerk at the time of trial.

Summary Exhibits

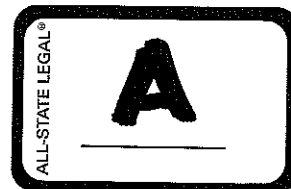
If a summary exhibit will be offered into evidence at trial pursuant to Fed. R. Evid. 1006, the offering party(ies) will identify on the exhibit or on an accompanying document the specific source of data or information summarized. If opposing counsel can not readily locate the specific data or information referenced within the documents previously produced by the offering party(ies), copies of the data or information summarized will be provided upon request.

Impeachment Exhibits

Exhibits to be used in impeaching a witness during cross-examination do not need to be physically exchanged or included on the parties' exhibit lists on July 1, 2009. The party using such document will provide copies of the impeachment document to opposing counsel at trial at the time of the cross-examination. The parties reserve any and all objections they may have to the use of documents not previously produced in discovery during cross-examination.

4844-4491-4947.1

Tyson Foods, Inc. 2200 Don Tyson Parkway Springdale, AR 72762-6999 479-290-4000



Demonstrative Exhibits

Demonstrative exhibits will be provided to opposing counsel at least one week before those exhibits are used at trial.

Transcription of Proceedings

The parties will pursue independent transcription of the trial proceedings. Scott McDaniel and Richard Garren are working to identify a court reporter acceptable to all parties, as well as determining whether to have daily copy, live feed or some other alternative. This agreement is subject to the parties' ability to work out procedures with the Court to facilitate the process. Currently, there is no agreement as to how the cost of this will be shared between the one Plaintiff and the six defendant company groups. Cost sharing will need to be negotiated between the parties with the participation of the court reporter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert George", written in a cursive style.

Robert George
Vice President and
Associate General Counsel

cc: Defense Counsel

Acknowledged & Agreed to by:

Louis W. Bullock
Counsel for State of Oklahoma

BULLOCK, BULLOCK & BLAKEMORE, PLLC
Attorneys and Counselors at Law
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Louis W. Bullock
Patricia W. Bullock
Robert M. Blakemore

918-584-2001
918-779-4383 (fax)

June 3, 2009

Robert George
Tyson Foods, Inc.
2200 Don Tyson Parkway
Springdale AR 72762-6999

(Via email and U.S. Mail)

Re: *State of Oklahoma v. Tyson et al.*, No. 05-CV-0329-GKF-PJC

Dear Mr. George:

This letter is in response to your correspondence of May 21, 2009 and your e-mail of May 21, 2009. The State of Oklahoma remains committed to the agreement we made and we are offering this letter in a good faith attempt to commit those agreements to writing. This letter reflects your proposal on all points except as to Exhibits used for cross examination.

Your earlier proposal fairly summarized our discussion except on that one point. As your e-mail reflects, your proposal is inconsistent with our agreement on that point. We did not discuss cross examination exhibits being offered solely for "impeachment" but rather our discussion concerned all exhibits used for cross examination. I have studied your proposal and do not find it to be helpful. I also do not find it to be consistent with general federal practice.

I frankly do not understand the nature of your concern that prompts you to suggest the adoption of this original standard. As a practical matter, since the Plaintiff must make its case before resting, concerns that we would leave off the exhibit list a document that is needed to advance our case, does not make sense to me. Even as a theoretical matter, it is difficult for me to envision what it is that Defendants fear by proposing to use the suggested test. If we were to agree to it, it would only serve to inject confusion and dispute into the proceeding.

You will find below an accurate statement of our agreements. I offer this to you in order that we can put this discussion behind us.

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Exhibits Used for Cross Examination

Exhibits to be used in cross examining a witness do not need to be physically exchanged or included on the parties' exhibit lists on July 1, 2009. The party using such document will provide copies of the document to opposing counsel at trial at the time of the cross-examination. The parties reserve any and all objections they may have to the use of documents not previously produced in discovery during cross-examination.

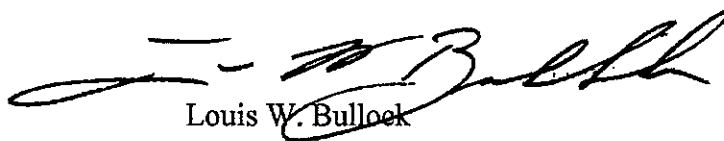
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Sincerely,



Louis W. Bullock

Acknowledged and Agreed to by:

Robert George
Vice President and Associate General Counsel
for Tyson Foods, Inc.

cc: Plaintiff counsel